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(4)

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR

W.P.NO. 1982 OF 2003

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

PETITIONER : TAHIRA BANO, D/O. LATE SHRI IMAM KHAN, AGED ABOUT 52 YEARS, R/O. MAGARPARA ROAD, BILASPUR, TAHSIL & DISTRICT BILASPUR (C.G.).

P. R. No. 16/4/03
Presented by Shri M.K. Sinha
dated 05/05/03

VERSUS

RESPONDENTS :1) STATE OF CHHATTISGARH THROUGH SECRETARY REVENUE DEPARTMENT DKS.BHAVAN, RAIPUR (C.G.).

:2) TAHSILDAR, BILASPUR (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT/WRITS, DIRECTION/DIRECTIONS, ORDER/ORDERS ETC.

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TO A.G.P. [illegible]

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(86)

आदेश पत्रक

मामला क्रमांक WP 1982/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	18-9-2003 Shri M.K. Sinha, counsel for the petitioner. Shri Sanjay K. Agrawal, Deputy Advocate General for respondents. The petitioner has preferred this petition under Articles 226/227 of the Constitution of India, being aggrieved by the order dated 28-1-2003 passed by the Tehsildar in which it has been mentioned that the file of Revenue Case No. 9/A-6/92-93 by which the name of Mariyam Bee was mutated and the record regarding the mutation proceedings in the name of Mariyam Bee is not traceable. In this order it has been directed that the search of the file be continued and till then the proceedings are stayed. The learned counsel for the petitioner submits that by this order the learned Tehsildar has not made compliance of the order of the Commissioner dated 28-6-2002 by which the Tehsildar was directed to trace out the missing file and find out as to who was the original owner of the land and whether the sale deed made in favour of the appellant was valid and trace out the old record and make enquiry and thereafter the order should be passed in a prescribed and legal manner. But, the Tehsildar has simply passed the order that the efforts should be made to trace out the missing file and the proceedings are stayed. I have heard the learned counsel for the parties. Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, a perusal of the orders of the S.D.O. and the Commissioner reveals that after passing the mutation order	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(87)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the concerned file was misplaced by anyone in the year 1992 and thereafter no sincere efforts are being made by the Tehsildar to trace out the missing file and ultimately by the order dated 28-1-2003 he has placed the matter in the cold storage. It is not expected from any public functionary to behave like this. He, in compliance of the order of the Commissioner, ought to have traced out the missing file and if the file was not traceable then he should have asked the parties to submit their documents and after making proper enquiries and giving opportunity to the parties he should have passed an appropriate order in compliance of Commissioner's order which procedure has not been adopted by the Tehsildar. The Tehsildar is directed to make all efforts to trace out the missing file and thereafter start proceeding. If that file is not traced out, in that case he should give opportunity to both the parties for filing their documents. In order to reconstitute the file in place of missing file and after reconstitution of file he should give opportunity to both the parties and after hearing them pass appropriate order regarding the mutation within a period of 3 months from today and in this connection he can also collect other papers from Revenue Records, if any available.

With these observations, the writ petition is disposed of.

Consequently, I.A. No. 5994/2003 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

Barve*

[पीछे देखिये